

Court ADR Roster Qualification

Over the past 10 years the mediation process has become an integral part of the way in which cases are settled in the Utah State Court System. Until May 2, 2005 practicing mediators in the state did not have to be qualified on the Court Roster to offer mediation services to the public. With the implementation of House Bill 4 this has changed. Under House Bill 4, mediators who accept cases falling under the provisions of House Bill 4 must be qualified for and included on the Court Roster. The reason for this requirement is the increased liability and quality control the court must provide when parties are required to engage in mandatory mediation.

In response to the passage of House Bill 4, the ADR Office has had many inquiries from individuals who define themselves as mediators, but do not have the required training to qualify for inclusion on the Court Roster. These individuals have requested that the requirements for inclusion on the Court Roster be waived. In response to these requests the ADR Committee has made the following decisions regarding the waiver of requirements in order to be included on the Court Roster.

The ADR Committee made the decision that it would be inappropriate to waive any requirements outlined in Rule 4-510, which individuals must meet to be qualified to be included on the Court Roster. Specifically, the ADR Committee decided unanimously that under no circumstances should the requirement of 30 hours of basic mediation training be waived. In addition, the committee decided unanimously that basic mediation training should be received in a 30 hour block, meaning that several shorter courses on mediation added together to equal 30 hours are not equivalent to 30 hours of basic training.

Additionally, the Committee made the decision that the requirement of 24 hours of domestic/divorce mediation training will not be waived. This is the requirement which must be met in order to be included on the Divorce Mediation Court Roster. An individual may request a one year waiver. If granted, the individual would be included on the Roster for a period of one year with the understanding that during that year they would complete the required 24 hours of domestic/divorce mediation training. In order to receive a waiver, an individual must have completed the 30 hours of basic mediation training, have 10 hours of experience, sign an ethical statement and pass an exam on the ethical code. Further, they must have a background as a Family Law Attorney, a Judge, or a Masters Degree in a mental health field with practice with families and children. The ADR Director will screen the applications for waivers on a case by case basis. Waivers will be granted based on: experience working with divorcing families, experience conducting mediation sessions, and observation of at least one mediation session by the ADR Director.

Summary for inclusion on provider roster:

- Existing 30 hour basic mediation training requirement cannot be waived.
- Additional 24 hour training requirement for domestic cases cannot be waived, but can be deferred.